IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(C).No. 29184 of 2006(Y)

PETITIONER:

MEERAN RAWTHER TAJUDEEN RAWTHER,
S/O. MEERAN RAWTHER, VELLARA HOUSE,PADUTHODU P.O.,
MALLAPPALLY, PATHANAMTHITTA (RETIRED CANAL WATCHER
MINOR IRRIGATION DIVISION, CHENGANNOOR).

BY ADV. SRI.S.SUBHASH CHAND

RESPONDENTS:

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1. **STATE OF KERALA,**
   REPRESENTED BY THE SECRETARY TO GOVERNMENT,
   PUBLIC WORKS (B) DEPARTMENT,GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **EXECUTIVE ENGINEER,**
   MINOR IRRIGATION DIVISION, CHENGANNOOR.

3. **THE ACCOUNTANT GENERAL (A & E), KERALA,**
   OFFICE OF THE ACCOUNTANT GENERAL (A & E), KERALA,
   THIRUVANANTHAPURAM.

4. **THE PRINCIPAL ACCOUNTS OFFICER,**
   OFFICE OF THE ACCOUNTANT GENERAL (A & E), KERALA,
   THIRUVANANTHAPURAM

BY GOVERNMENT PLEADER SRI. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.29184/2006 Y

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE PENSION PAYMENT ORDER IN RESPECT OF SRI. V.S.TITUS.**

EXT.P2: **COPY OF THE PENSION PAYMENT ORDER IN RESPECT OF SRI.T.U.CHERIYAN.**

EXT.P3: **COPY OF THE GOVERNMENT ORDER BEARING G.O.(RT) NO. 200/2000/PWD DTD. 1/03/2000.**

EXT.P3(A): **COPY OF THE JUDGMENT DTD. 12/08/2005 PASSED BY THIS HON'BLE COURT IN O.P.NO.14350/2000.**

EXT.P4: **COPY OF THE JUDGMENT DTD. 5/01/2006 PASSED BY THIS HON'BLE COURT IN WP(C) NO.414/2006.**

EXT.P5: **COPY OF THE GOVERNMENT ORDER BEARING G.O.(RT) NO. 375/06/PWD DTD. 22/05/2006.**

EXT.P6: **COPY OF THE ORDER NO.A6/15/02/99 DTD.11/07/2006 ISSUED BY RESPONDENT NO.2.**

EXT.P7: **COPY OF THE PENSION PAYMENT ORDER DTD. 4/10/2006 ISSUED BY RESPONDENT NO.4 TO THE PETITIONER.**

EXT.P7(A): **COPY OF THE GRATUITY PAYMENT ORDER DTD. 4/10/2006 ISSUED BY RESPONDENT NO.4 TO THE PETITIONER.**

/TRUE COPY/

P.S.TO JUDGE

KSS

Antony Dominic, J.

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W.P(C).No.29184 of 2006

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Dated this the 16th day of August, 2007.

JUDGMENT

Petitioner was seasonal N.M.R. worker, who had rendered service for the period from 1.3.1963 till 7.7.1985. In the meantime, Government issued an order, G.O.(P)106/85/PW&T dated 17.9.1982 regularising those N.M.R. workers having five years of service as on 19.5.1983. However, it is stated that the benefit of the Government Order was not extended to the petitioner on an erroneous reasoning. He took up the matter in the Lok Adalath where the second respondent submitted a report strongly recommending his case for grant of pension. Thereafter, the petitioner filed W.P(C) No.414 of 2006 before this Court, which was disposed of by Ext.P4 judgment directing that the representation filed by the petitioner shall be disposed of and orders thereon passed within the time fixed by this Court.

2. In pursuance to the judgment of this Court, the first respondent issued Ext.P5 according sanction for allowing the

pensionary benefits to the petitioner, as also one T.U.Cheriyan and V.S. Titus. In implementation of Ext.P5 order dated 22.5.2006, the second respondent issued Ext.P6 granting pension of Rs.375/- and D.C.R.G. of Rs.2519/-. Thereafter, when Ext.P7 pension payment order was issued by the Accountant General to the petitioner it was only with effect from 22.5.2006. It is submitted that had he been regularised in pursuance to the Government Order dated 17.9.1985, he would have been entitled to be extended pensionary benefit from 31.7.1985 and if that be so, he should have been given pension from 1.8.1985 onwards. On this basis, petitioner claims the pensionary benefits for the period from 1.8.1985 to 22.5.2006, the date from which the benefit has been granted by Ext.P7 pension payment order.

3. Petitioner also makes reference to Exts.P1 to P3 wherein the benefits have been granted to similarly situated persons including two persons mentioned in Ext.P5, who were granted pension from the first of the month succeeding their retirement. According to him, those persons also have been paid arrears as well.

4. On going through the case, I am satisfied that the

petitioner's service ought to have been regularised in pursuance to the Government Order dated 17.9.1985 and if that was done in time, he would have retired only on 31.7.1985 and he would also have been paid pension from 1.8.1985 itself. This right has been recognised by the Government by Ext.P5, which did not restrict the benefit from any particular date. Therefore, the Accountant General was acting illegally in restricting the benefit only from 22.5.2006.

5. In the circumstances, I hold that the petitioner ought to be given the pensionary benefits from 1.8.1985 till 22.5.2006 and consequential arrears shall be released to the petitioner as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment. Petitioner is directed to produce a copy of this judgment before the respondents for compliance.

Writ Petition is disposed of as above.

Antony Dominic,
Judge.

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